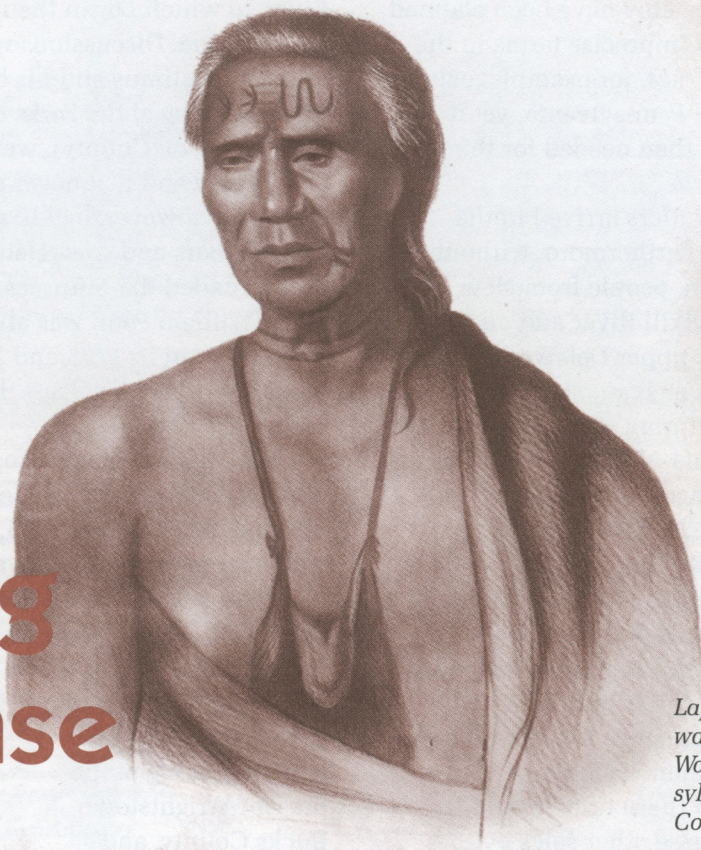


The Walking Purchase



Lappawinsoe (Lappawinzoe) was among the signers of the Walking Purchase treaty. Pennsylvania Historical and Museum Commission

“**Y**ou Run, that’s not fair, you was to Walk.” Thus, twenty years afterward, someone remembered an Indian’s objection to the Walking Purchase of 1737, probably the most widely known of Pennsylvania’s Indian purchases. There have always been suspicions that it was a fraud.

William Penn, who died almost twenty years before the Walking Purchase, is famous for his just treatment of the Indians. Under both Europe’s rules for nations acquiring lands not previously inhabited by subjects of Christian monarchs, and Penn’s charter from King Charles II granting him Pennsylvania, Penn was not legally required to pay the Indians for his Pennsylvania land. He nevertheless had done so, both from a sense of justice and for the sake of peaceful relations between his settlers and the Indians. He and his agents had made at least seventeen purchases from the Indians living near the lower Delaware River; probably there were more but the historical evidence of them has been lost.

Most of the verifiable early purchases involved narrow tracts of land, often overlapping; but on paper, at least, some of them ran far back into the country: two days’ travel by horse, as far as a man could go in two days, or in one case “to the utmost bounds of the said Province.” Such measurements, however important to Penn, meant little to the Indians so long as they were not hurried off the land. In at least one instance Penn had the land measured. The distance a man traveled in two days, specified in a 1685 deed of purchase, was surveyed three years later as a line from Philadelphia to the Susquehanna River, a distance of about seventy miles.

In August 1718, only eleven days after Penn’s burial, his secretary James Logan had these early purchases confirmed by a single deed from Sasoonan, a Lenape (or Delaware) chief and other Indians representing those who had made the earlier sales. Extending north to the Lehigh Hills and from the Delaware River to the lower Susquehanna, this deed did not actually include

all the land that might arguably have been claimed under the ambiguous and imprecise terms in the old deeds. It certainly did not, for example, extend "to the utmost bounds" of Pennsylvania, yet it included as much as was then needed for the white colonists.

But many more new settlers arrived in the following fourteen years. Furthermore, without Pennsylvania's permission, people from New York settled up the Schuylkill River and on the Minisink Lands along the upper Delaware, where they occupied choice Pennsylvania lands outside the area of the 1718 confirming purchase. The new Proprietors of Pennsylvania—William Penn's three sons by his second marriage—were so desperate to raise income by selling land that some land patents were sold for white occupation in areas not yet purchased from Indians. It was done on the assumption that titles would be fully legal when the Indians eventually sold. Proprietary secretary Logan and wealthy attorney William Allen were two who used personal influence to claim choice locations through such patents. Under pressure to buy out Indians so that these titles would be proper, as well as to increase other sales by the Proprietors, Logan sent agents to settle affairs in the Minisink country. At first they were not successful, but then Logan convinced two of the Proprietors to come to America, meet Indian leaders, and make new purchases from them in person.

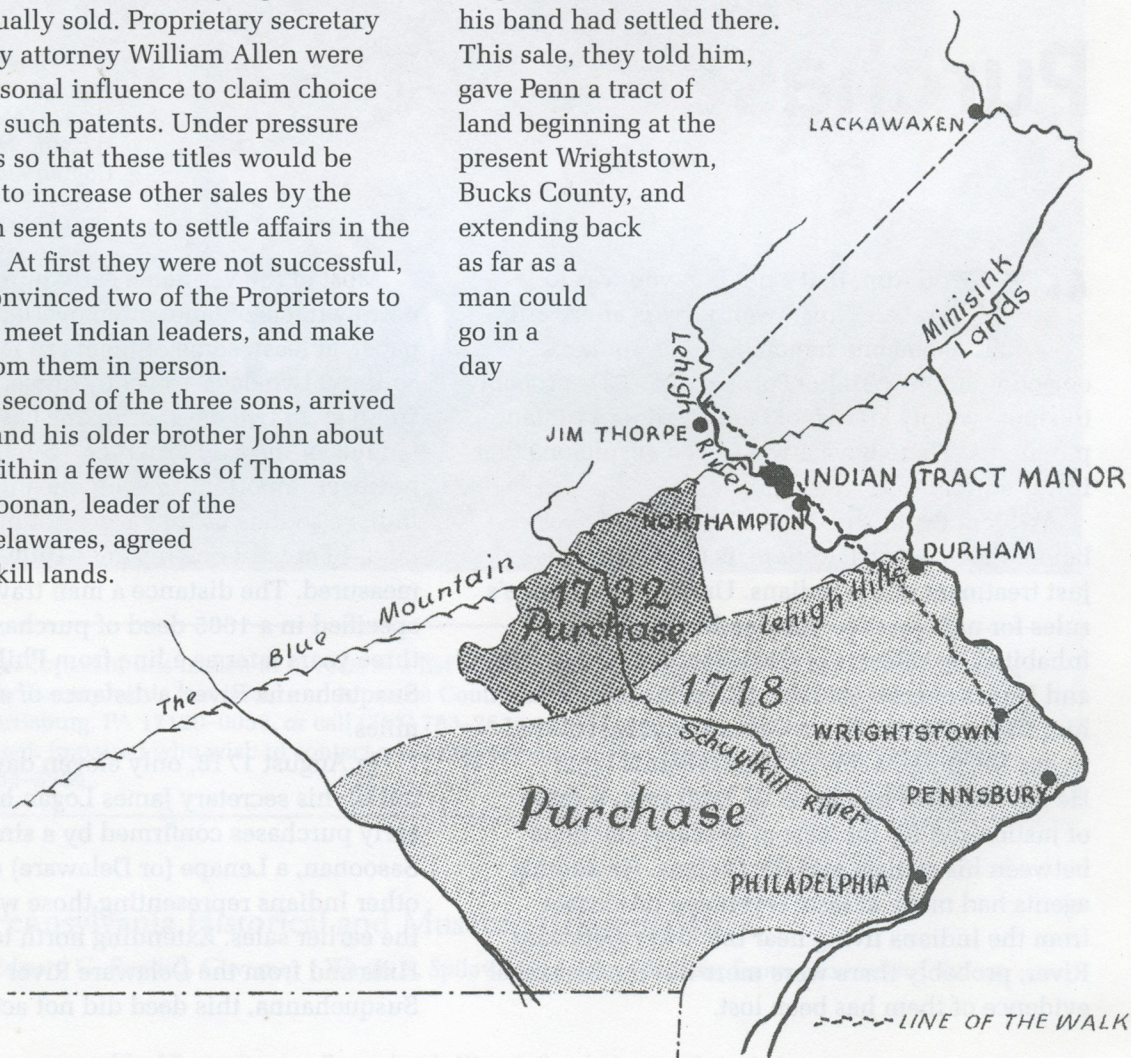
Thomas Penn, second of the three sons, arrived in August, 1732, and his older brother John about two years later. Within a few weeks of Thomas Penn's arrival Sasoonan, leader of the Schuylkill area Delawares, agreed to sell the Schuylkill lands. But the lands up the Delaware

River, to which Logan then turned, proved more troublesome. Discussions went on for five years.

Chief Nutimus and his band, the Delaware Indians living at the Forks of Delaware (Northampton County), were originally from New Jersey and had never sold land to the Penns. Nutimus, however, had lived there himself for several years and was related to the Delaware branch called the Munsees, who had lived there when William Penn was alive. Nutimus met with Thomas Penn in 1733 and 1734. Although friendly, he did nothing to suggest that he would ever sell his tribe's land claims.

The Proprietors and Logan then began to press the matter and, at the Penn family estate of Pennsbury in May, 1735, laid before Nutimus a document they said proved the Forks country had been sold to Penn by the Munsee Indians on August 28, 1686, before he and his band had settled there.

This sale, they told him, gave Penn a tract of land beginning at the present Wrightstown, Bucks County, and extending back as far as a man could go in a day



and a half, but apparently nobody had made the thirty-six-hour hike. However, based on other distances described in traveling time, it seemed likely that the 1686 tract should extend at least fifty miles, or about to the Blue Mountain.

Historians currently agree that the 1686 deed was defective. The copy shown at the 1737 negotiations—at best a copy of a 1686 item—was not in appropriate legal form, and may even have been deliberately forged on Thomas Penn's orders to cheat the Indian leaders in the negotiation process. The late Francis P. Jennings, the scholar who did the most work on the subject concluded that the Indians were defrauded.

Nutimus objected—no doubt truthfully—that he knew nothing of the 1686 deed which he was now asked to approve, but since he had been living in New Jersey at that time this did not seem to the Penns any real obstacle. They therefore had some of the Forks land surveyed for sale, opened part of it to settlers, and reserved for themselves a 6,500-acre “Indian Tract Manor” on which the Indians might continue to live under the assumption that their claim as aboriginal people ceased. The Penns also arranged for the day-and-a-half walk and hired workers to mark and clear the way for the walkers.

Even then, Nutimus did not immediately release his claims. Logan learned that he was planning to ask the powerful Iroquois Confederation of the Six Nations for help. When Six Nations leaders came to Philadelphia in 1736 to sell their lands on the lower Susquehanna, Logan convinced them to sign a second deed by which they gave up any further interest in southeastern Pennsylvania, including the Forks country, dashing Nutimus's hopes for their assistance. With this, the Forks Indians finally came to terms; on August 25, 1737, four of their leaders—Manawkyhickon, Lappawinzoe, Teeshacomin, and Nutimus—signed a deed confirming the sale of 1686.

By this time it had occurred to the Pennsylvania officials that if the walk could be stretched far enough the 1686 grant could be made to take in not only the Forks country below the Blue Mountain but also the Minisink lands beyond it. That might allow control of the New York squatters by settling loyal Pennsylvanians there. To stretch the distance the walkers proceeded at a very brisk rate, and that brought protests from the hard-pressed Indians

who tried to accompany the Penns' walkers. Of the three white men who set out from Wrightstown the morning of September 19, Solomon Jennings dropped out after eighteen miles and James Yeates gave up the following morning. Edward Marshall pressed on alone, covering about sixty-five miles in eighteen hours. He stopped at a point somewhere east or north of the present Jim Thorpe (Carbon County).

The limits of the purchase were then marked by a line, run at right angles to the direction of the walk, which struck the Delaware River near today's Lackawaxen. Because of the curves of the river this added much of the country north of the Blue Mountain.

Despite their complaints about “the Walk” itself, the Indians remained quiet for a time and on November 3, 1738, Nutimus visited Philadelphia and exchanged gifts with the governor. About two years later, however, he and other Delawares signed complaining letters to Pennsylvania officials and threatened to seek the help of neighboring tribes to defend their lands. These letters certainly were written by white men, who may have encouraged the protests. Logan, taking no chances, called on the Six Nations to stand by their pledge of 1736. Eventually, in 1742, at a conference with Pennsylvania's governor, the Proprietors, and the Provincial Council, one Iroquois chief, Canasatego, in a loud and threatening speech, told Nutimus the Delawares had no land left and ordered them to leave the area they had sold.

But the thing that more than any other gave the Walking Purchase its bad reputation took place twenty years after these events. During the French and Indian War, Indian war parties—including the normally docile Delawares—attacked Pennsylvania settlers. Colonists opposed to the Proprietary government charged that the attacks were revenge for the Walking Purchase. Quaker politicians, no longer in control of the provincial government because their pacifism prevented them from directing war activities, thought correcting the injustice of 1737 might placate Indian aggression. In 1757 they convinced the eastern Delaware Indian leader Teedyuscung to accuse the Proprietors of fraud in the 1737 negotiations. Teedyuscung had succeeded to the chieftom Nutimus had held and also claimed leadership of many other Delawares



James Logan (1674–1751), who came to Pennsylvania as William Penn's secretary in 1699 and remained as an agent of the Proprietors. Portrait based on a painting by Gustavus Hesselius. Historical Society of Pennsylvania

and smaller tribes. A dynamic, charismatic speaker, except on the many occasions when he was drunk, Teedyuscung could not write and had trouble reading English. In complex negotiations he had to rely on white or English trained clerks and interpreters. His accusations were reported to King George II's government, which ordered an investigation. But the work was delegated to the same parties with whom Teedyuscung had already been dealing in North America: the Crown's Indian agent Sir William Johnson, and the governor, provincial council, and Assembly of Pennsylvania. This group delayed the process until 1762, when the French and Indian War had ended, and accepted as genuine the facts and evidence produced by the Proprietors' representatives. Bullied by the Iroquois, as Nutimus had been twenty years before, Teedyuscung had to face all the officials one last time, at a conference in Easton in June 1762. At

first, he continued to say the 1686 document was fraudulent, but expressed willingness to abide by it if the Delawares received adequate payment or were given a firm title to some alternative living area. Without that, he admitted he could be forced to accept the 1686 terms but would continue to hope for exoneration at a judgment day in the afterlife. However, in his final appearance at the conference he signed a statement accepting the Proprietors' interpretation of the 1686 deed and the 1737 negotiations documents. As for the walk itself, he still maintained it had been unfair because the walkers had not followed the agreed course—not because they had walked too fast—but regarded this as merely an interpretation disagreement between honest men, not a blatant fraud. So, he yielded his objection to the walking performance, as well. At the seat of the British government in Westminster, on March 3, 1763, the Board of Trade reported the vindication of the Proprietors to His Majesty's Privy Council. This was the final repudiation of the Native Americans' argument.

No trace of the purported 1686 deed that had been forced onto Nutimus and Teedyuscung has been found, since it was reportedly sent back to England by Sir William Johnson in 1762. Improbable as it may seem, we should always remember that the item or the genuine document from which it may have been copied might someday turn up and awaken reconsideration of the Walking Purchase legend.

Original text by William A. Hunter, revised by Louis M. Waddell. Map by William Rohrbeck.

[illegible]

The above Direct being read and my heart full the Indians at this Assembly proposed what they desired and all the other Indians were present for giving the type or put their hands to the same as I thought as before of their free and full consent is what the above comes to and I have signed the same with my hand and the Indians have signed and sealed.

*Sealed Subscribed and Delivered
in the Presence of us —*

James Logan
St. Hamilton
Ac. Sub. 100

James M. ...
Thomas ...

Will. Allen

Mr. Freeman

John George.

Ms. A. 1. 1. 1. 1.

Edw. Dwyer,

James Peto

White & Co.
24th St.

James Steel

10

1

The Walking

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Be it Remembered that on the twenty first of June 1757. before me
William A. Allen Esq. Chief Justice of the Province of Pennsylvania personally appeared James
Harris, one of the City of Philadelphia Esq. and made Oath on the Holy Evangelists that after the
within said Land was a common road, been used and continued to the several Indians present, no more
on or about the day of the date hereof, signed and sealed by the Four Delaware Indians or Chiefs
a common road, viz. Manoway, Mowaw, Mowaw, Mowaw, Mowaw, Mowaw, Mowaw, Mowaw, Mowaw, Mowaw,
in presence of this Deputy, his s^r William A. Allen and the several other Indians who came thither as there
were understood and also the several other Indians who were there viz. from the s^d to signify their
approbation of and assent to the s^d Land, and that the Manoway, Mowaw, Mowaw, Mowaw, Mowaw, Mowaw,
was in the proper understanding of this Deputy, viz. that the s^d William A. Allen & s^r Allen Esq. the
s^d Land was conveyed in fee simple in my presence and that the said William A. Allen Esq. & s^r Allen
Esq. were the proper persons to convey the same.

Witness my hand and seal this twenty first
day of September 1757.

William A. Allen Esq. Chief Justice

FOR FURTHER READING

Anderson, Fred. *Crucible of War: Seven Years War and the Fate of Empire in British North America 1754–1766*. New York: Vintage Books, 2001.

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Jennings, Francis. *Ambiguous Iroquois Empire*. New York: W.W. Norton, 1984, Appendix B.

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_____. "The Scandalous Indian Policy of William Penn's Sons: Deeds and Documents of the Walking Purchase," *Pennsylvania History*, Vol. XXXVII, No. 1, January 1970, 19–39.



William Penn's respectful relations with the colony's Native Americans as depicted in Penn's Treaty engraved by John Hall, were largely reversed by his sons. The State Museum of Pennsylvania

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